

AMENDMENTS TO THE CLAIMS

This complete listing of claims will replace all prior versions, and listings, of claims in the application:

We claim:

1. (Canceled)

2. (Currently Amended) A chimeric promoter capable of local gene expression in plants wherein the expression is induced by elicitor treatment, pathogen infection, or both comprising:

(i) two or more *cis*-acting elements sufficient to direct: pathogen-elicitor-specific expression of a nucleic acid sequence, pathogen-infection-specific expression of a nucleic acid sequence, or both, wherein at least one of the said two or more *cis*-acting elements consists of the nucleotide sequence of SEQ ID NO: 11, and

(ii) a minimal promoter,

wherein induction of said local gene expression upon elicitor treatment or pathogen infection is between 10-fold and 15-fold.

3. (Currently Amended) A chimeric promoter capable of local gene expression in plants wherein the expression is induced by elicitor treatment, pathogen infection, or both,

comprising:

(i) two or more *cis*-acting elements sufficient to direct: pathogen-elicitor-specific expression of a nucleic acid sequence, pathogen-infection-specific expression of a nucleic acid sequence, or both, wherein at least one of the said two or more *cis*-acting elements consists of the nucleotide sequence of SEQ ID NO: 11
and

(ii) a minimal promoter,

further comprising a *cis*-acting element having the nucleotide sequence selected from the group consisting of: SEQ ID NO: 1 and SEQ ID NO: 2.

4-7. (Canceled)

8. (Currently Amended) The chimeric promoter of claim 2, 3, 42, 43, 47 or 49, wherein ~~a spacer region composed of 4 to 10 base pairs separates~~ at least two of said *cis*-acting elements are separated by a spacer of between about 4 to 10 base pairs.

9. (Currently Amended) The chimeric promoter of claim 2, 3, 42, 43, 47 or 49, wherein at least two of said two or more *cis*-acting elements are separated by a spacer of between about 50 to 1000 base pairs.

10-21. (Canceled)

22. (Previously Presented) An isolated *cis*-acting element sufficient to direct pathogen-elicitor-specific expression, pathogen-infection-specific expression, or both, consisting of the nucleotide sequence of SEQ ID NO: 11.

23-38. (Canceled)

39. (Currently Amended) ~~The~~ A promoter obtainable by a method of rendering a gene responsive to pathogens comprising inserting at least one *cis*-acting element sufficient to direct pathogen-elicitor-specific expression, pathogen-infection-specific expression, or both, into the promoter of said gene, wherein (1) induction of local gene expression in plants upon elicitor treatment, pathogen infection, or both, is between 10-fold and 15-fold and wherein the at least one *cis*-element promoter comprises SEQ ID NO: 11, or (2) ~~wherein the~~ induction of local gene expression in plants is at least 15-fold and the at least one *cis*-acting element promoter comprises two copies of SEQ ID NO: 11, or a combination of one copy of SEQ ID NO: 11 and one copy of SEQ ID NO: 7.

40-41. (Canceled)

42. (Currently Amended) A chimeric promoter capable of local gene expression in plants wherein the expression is induced by elicitor treatment, pathogen infection, or both, comprising:

- (i) two or more *cis*-acting elements sufficient to direct: pathogen-elicitor-specific expression of a nucleic acid sequence, pathogen-infection-specific expression of a nucleic acid, or both, wherein ~~at least one of the two or more *cis*-acting elements consists~~ comprise at least one of the nucleotide sequence of SEQ ID NO: 11; and ~~wherein at least one of the two or more *cis*-acting elements consists of~~ the nucleotide sequence of SEQ ID NO: 7, and
- (ii) a minimal promoter.

43. (Previously Presented) The chimeric promoter according to claim 42, wherein the two or more *cis*-acting elements comprise two copies of the nucleotide sequence of SEQ ID NO: 11 and two copies of the nucleotide sequence of SEQ ID NO: 7.

44. (Currently Amended) A recombinant gene comprising the chimeric promoter of claim 2, 3, 8, 9, 39, 42, ~~or claim 43, 47 or 49.~~

45. (Currently Amended) A vector comprising the chimeric promoter of claim 2, 3, 8, 9, 39, 42, ~~or claim 43, 47 or 49.~~

46. (Currently Amended) A method for the production of transgenic plants, transgenic plant cells or transgenic plant tissue comprising ~~the introduction of~~ introducing a

chimeric promoter according to claim 2, 3, 8, 9, 39, 42, or 43, 47 or 49, into the genome of said plant, plant cell or plant tissue.

47. (Currently Amended) A chimeric promoter capable of local gene expression in plants, wherein the expression is induced by elicitor treatment, pathogen infection, or both, comprising:

(i) two or more *cis*-acting elements sufficient to direct: pathogen-elicitor-specific expression of a nucleic acid sequence, pathogen-infection-specific expression of a nucleic acid sequence, or both, and

(ii) a minimal promoter,

wherein induction of said local gene expression upon elicitor treatment or pathogen infection is at least 15-fold, the chimeric promoter comprising:

two copies of SEQ ID NO: 11, or

the combination of one copy of SEQ ID NO: 11 followed by one copy of SEQ ID NO: 7, or

the combination of four copies of SEQ ID NO: 11 followed by four copies of SEQ ID NO: 7.

48. (Canceled)

49. (Currently Amended) A chimeric promoter capable of local gene expression in

plants, wherein the expression is induced by elicitor treatment, upon pathogen infection comprising:

- (i) two or more *cis*-acting elements sufficient to direct: pathogen-elicitor-specific expression of a nucleic acid sequence, pathogen-infection-specific expression of a nucleic acid, or both, wherein at least one of the two or more *cis*-acting elements consists of the nucleotide sequence of SEQ ID NO: 11 and
- (ii) a minimal promoter,

further comprising a *cis*-acting element having the nucleotide sequence selected from the group consisting of: SEQ ID NO: 3 and SEQ ID NO: 4.